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7 Attorney for Defendant -BENIYIHIA HEBBAR

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 \* \* \*

11 UNITED STATES OF AMERICA, ) 2:16-CR-00328-JCM-GWF  
12 )  
13 Plaintiff, )  
14 )  
15 v. )  
16 BENIYIHIA HEBBAR, )  
17 )  
18 Defendant )  
19 )  
20 )  
21 )  
22 )  
23 )  
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28 )

29 **STIPULATION AND ORDER TO CONTINUE SENTENCING HEARING**

30 IT IS HEREBY STIPULATED AND AGREED by and between DUSTIN R  
31 MARCELLO, ESQ. Counsel for Defendant BENIYIHIA HEBBAR and CHRIS BURTON,  
32 Assistant United States Attorney, that the Sentencing Hearing currently scheduled for September  
33 11, 2018, at 10:00 a.m., be vacated and reset on a date and time convenient to the court, but not  
34 earlier than 45 days.

35 This Stipulation is entered into for the following reasons:

- 36 1. Counsel for defendant has spoken to defendant and he has no objection to the request  
37 of continuance.  
38 2. Defendant is in custody in Pahrump.

- 1           3. Counsel has spoken to AUSA Chris Burton and he does not oppose to the  
2           continuation.  
3  
4           4. Defendant has an appeal in this case currently pending before the 9<sup>th</sup> Circuit Court of  
5           Appeals with a briefing schedule requiring an opening brief to be filed by October  
6           29, 2018. Appeal Case Number: 18-10240.  
7  
8           5. Denial of this request for continuance could result in a miscarriage justice.  
9  
10          6. For all the above-stated reasons, the ends of justice would best be served by a  
11          continuance of the Sentencing Hearing until a date and time convenient to the court.

This is the third request for continuance filed herein.

DATED: September 10, 2018

15  
16           \_\_\_\_\_  
17           /S/  
18           DUSTIN R. MARCELLO, ESQ.  
19           601 LAS VEGAS BOULEVARD, S  
20           LAS VEGAS, NEVADA 89101  
21           ATTORNEY FOR THE DEFENDANT  
22           BENIYIHIA HEBBAR

15  
16           \_\_\_\_\_  
17           /S/  
18           CHRIS BURTON  
19           ASSISTANT UNITED STATES ATTORNEY  
20           501 LAS VEGAS BOULEVARD SOUTH. #1100  
21           LAS VEGAS, NEVADA 89101  
22           ATTORNEY FOR UNITED STATES OF  
23           AMERICA

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Attorney for Defendant -BENIYIHIA HEBBAR

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,	)	2:16-CR-00328-JCM-GWF
	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
BENIYIHIA HEBBAR,	)	
	)	
Defendant	)	
_____	)	

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

This Stipulation is entered into for the following reasons:

C Stipulation is entered into for the following reasons:

1. Counsel for defendant has spoken to defendant and he has no objection to the request of continuance.
2. Defendant is in custody in Pahrump.
3. Counsel has spoken to AUSA Chris Burton and he does not oppose to the continuance.

1 4. Defendant has an appeal in this case currently pending before the 9<sup>th</sup> Circuit Court of  
2 Appeals with a briefing schedule requiring an opening brief to be filed by October  
3 29, 2018. Appeal Case Number: 18-10240.  
4

5 5. Denial of this request for continuance could result in a miscarriage justice.

6 6. For all the above-stated reasons, the ends of justice would best be served by a  
7 continuance of the Sentencing Hearing until a date and time convenient to the court.  
8

9 This is the third request for continuance filed herein.  
10

11 **CONCLUSIONS OF LAW**

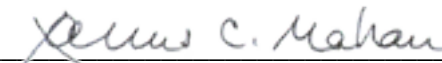
12 Denial of this request for continuance would deny the parties herein the opportunity  
13 to effectively and thoroughly prepare for Sentencing Hearing.

14 Additionally, denial of this request for continuance could result in a miscarriage of  
15 justice.  
16

17 **ORDER**

18 IT IS HEREBY ORDERED that the Sentencing Hearing currently scheduled for  
19 September 11, 2018, at 10:00 a.m., be continued to the **29th day of October, 2018**  
20 **at 10:30 a.m., in courtroom 6A.**  
21

22 DATED September 10, 2018.  
23

24   
25 \_\_\_\_\_  
26 U.S. DISTRICT JUDGE  
27  
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